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ABSTRACT

The curriculum was designed to provide a systematic way of instructing apprentices preparing for various trades in the area of industrial and labor relations which would provide the apprentice with working knowledge of employee-employer interaction and the processes involved. The core curriculum is developed in 10 learning modules which are self-contained instructional packages: (1) the role of American labor unions as representative of the worker, (2) union democracy and public policy--relations between unions and members, (3) the organization and staffing patterns of local unions, union finances, and decision-making processes, (4) highlights of American labor union history, (5) employer-employee union relations: individual or collective bargaining, (6) the law on collective bargaining, (7) collective bargaining--basic characteristics of the process, (8) negotiating labor-management agreements, (9) settling industrial and labor relations problems by arbitration, and (10) grievances and discipline--organizational justice. Each module contains information on educational objectives, course content, instructional suggestions, references, and background information. The objectives are based on expected terminal performance which the apprentice should exhibit at the end of the instruction.
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INDUSTRIAL AND LABOR RELATIONS

UNIT 4

A CORE CURRICULUM OF RELATED INSTRUCTION FOR APPRENTICES

The University of the State of New York/THE STATE EDUCATION DEPARTMENT
Bureau of Occupational and Career Curriculum Development Albany, New York 12234
1975

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FOREWORD

Apprentice training is a systematic way of providing the skilled workers necessary to supply current and future employment demands. Related instruction is an integral part of a planned apprentice training program — ranking in importance with the skills learned on the job. The related instruction provided to apprentices helps them better understand the trade and to know *why* things are done as well as *how* they are done.

A *Core Curriculum of Related Instruction for Apprentices* was designed to provide relevant instruction to apprentices preparing for a variety of trades. It includes the general topics appropriate to all who will be taking their place in the national workforce. Therefore, presentation of related instruction to a mixed group of apprentices becomes a feasible and manageable activity which helps fulfill the legal requirement for this component of a full apprentice program. It leaves the trade-specific information to be provided as the need arises.

The core curriculum is developed in major units or general topics. Modules within each unit are designed as self-contained instructional packages which can be selected for presentation to meet individual and program needs. The objectives of each module are expressed in terms of expected terminal performances which each apprentice should exhibit as a result of instruction. This allows any apprentice who is able to accomplish the student objectives to move on to another module. The program provides sufficient flexibility for the development of instruction to meet the specific needs of a variety of apprentices with differing backgrounds and expectations.

This Unit, *Industrial and Labor Relations*, is one of nine units that have been developed to provide the apprentice with working knowledge of employee-employer interaction and the processes involved. The Administrative Considerations and Instructional Considerations which will be helpful to administrators and journeymen/instructors in developing and conducting an approvable course in related instruction are contained in Unit I, Introduction to Apprenticeship. It is suggested that reference to that unit be made by all who will instruct this unit.

Content relating to the core curriculum was developed under grant at the New York State School of Industrial and Labor Relations, Cornell University, Ithaca, under the supervision of Professor Felician F. Foltman. Assistance relating to content was provided by Charles A. Stebbins, Associate in the Bureau of Trade and Technical Education, with the concurrence of Carl. G. Benenati, Chief, who is responsible for the approval and conduct of related instructions programs for apprentices. The material developed was adapted to a curricular format and prepared for publication by Nelson S. Maurer, Associate in the Bureau of Occupational and Career Curriculum.

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WHAT ARE AMERICAN LABOR UNIONS AND WHY THEY EXIST

Explains American labor unions as organizations which represent workers through economic, political, and other action

OBJECTIVES

At the completion of this module students will be able to:

1 *Distinguish between craft and industrial unions*

2 *Explain why people join unions*

3 *Identify reasons why people sometimes prefer not to join unions*

4 *Explain union policies on apprenticeship*

5 *Describe how unions are organized*

6 *Identify the major forms and activities of union organizations including locals, internationals, and federations*

7 *Explain one of the controversies surrounding unions*

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CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
Types of Unions • Description (1)	Discuss with students the different types of unions that exist. Use examples that are familiar to the students. (Ref. C, pp. 49-59; Ref. E, pp. 2-10)	Craft unions draw their members from a particular trade and usually bargain with several employers. Industrial unions enroll all employees of a particular employer, regardless of their occupation.
• Functions (1)		The craft union's function is to establish a uniform wage scale and uniform standards for workers in a single trade among all employers and to provide job security for union members. The industrial union's function is to establish wage rates and working conditions equitable for workers in many occupations with a single employer.
• Similarities (1)		Above the local level, the administrative structure and participation in the AFL-CIO of craft and industrial unions are similar.
• Differences (1)		Bargaining Differences. A craft union bargains with an association of all employers in a given area who employ people in that trade. An industrial union bargains with a single employer on behalf of employees in many trades. Membership Differences. Craft union members are all engaged in the same trade but work for several different employers. Industrial union members all work for the same employer but in various trades.
• Participation in the AFL-CIO (1)		Originally the CIO represented only industrial unions while the AFL represented both craft and industrial unions. Since the merger of the AFL and CIO, cooperation between craft and industrial unions has increased, strengthening both types.
Reasons for Joining Unions • Financial Security (2)	Discuss with students reasons people have for joining unions. Encourage students to express their own points of view. (Ref. A, pp. 26-45; Ref. D, pp. 436-445; Ref. F.)	Unions may have some influence in increasing wage rates and fringe benefits. In addition, through the union's grievance procedure the workers' right to overtime pay or other benefits is protected. Craft unions particularly are instrumental in helping members find work. Both craft and industrial unions protect the worker from losing his job without just cause.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
• Psychological Security (2)		One of the most important reasons for workers joining unions is they feel, as union members, that they are represented in decisions which affect their jobs and that they are protected against capricious acts of their employer.
• Social Needs (2)		Unions provide opportunities for workers to meet with and relate to coworkers.
Reasons for Not Joining Unions	Discuss with students reasons people have for not joining unions. Encourage students to express their own views. If there is no union where a student works ask him to indicate why there is none or why one should be organized.	
• Philosophical Disagreements with Union (3)		Some workers disagree philosophically with the whole concept of unionism. Others may disagree with particular union policies.
• Lack of Need for Union Protection (3)		Workers may believe that they can deal with the employer better on their own than through the unions. Others may be temporary employees who have no interest in permanent work with that employer and therefore are not interested in the policies the union negotiates with the employer.
• Doubt About Attacking the Company (3)		Many workers view unions as organizations whose only purpose is to attack the company. If the worker feels that the company's policies are fair he will not wish to join an attack on the company. Even if a worker feels that some company policies should be changed he may fear retaliation by the company against workers who join the union.
Union Policies on Apprenticeship	Discuss with students union apprenticeship policies (Ref. G, pp. 73-103)	
• Prior to 1930's (4)	Invite a union official and an employer to discuss their policies toward apprenticeship.	The four original aims of traditional apprenticeship policies of unions included: • Protecting the journeymen's wage from being undercut • Assuring apprentices a good chance to learn the trade • Assuring apprentices a reasonable rate of pay • Preventing the trade from being flooded with too many journeymen.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
• During the 1930's and 1940's (4)		The depression reduced the number of male, skilled workers from 6,200,000 in 1930 to 5,830,000 in 1940, and many unions took the policy of not training any new apprentices while so many journeymen were out of work. World War II increased the need for skilled craftsmen to such an extent that many unions temporarily ignored any rules about limiting the number of apprentices that could be trained.
• After 1950 (4)		Since World War II there has been a growing interest in apprenticeship among both unions and employers because of labor shortages, growing demand for skilled workers, changes in technology, competition between unions for work, the U.S. Bureau of Apprenticeship, and training systems and apprenticeship standards were set up throughout the country. Unions especially have been trying to attract the best people to their programs, and train the number of journeymen they predict they will need in the future.
Organization of Unions • Ways Workers Are Organized (5) • Factors Affecting How Unions Organize Workers (5)	Discuss with students the different ways workers may band together to form unions. (Ref. A, pp. 36-44) Show a film, such as "Local 100," to illustrate how a group of workers in one plant formed a union. The film may be rented from the Audio-Visual Center, NYSSILR, Cornell U., Ithaca, N.Y. 14850. Invite a union organizer to discuss how he attempts to organize workers into unions. Invite a nonunion employer to discuss legal means he uses to prevent the workers from organizing.	Workers in a plant can either organize themselves into unions or professional union organizers may attempt to get workers to join an established union. In the latter case the tactics used by the organizer will depend on the particular situation but each union will have a number of techniques it can use to help persuade workers to join a particular union. The U.S. Government through the National Labor Relations Board sets the ground rules for organizing and determines whether or not elections are called for, supervises the election, investigates infractions and questions of representation, and determines the appropriate bargaining unit. Taft-Hartley (the U.S. law on labor-management relations) free speech provisions permit and encourage employers to try to convince their workers not to join a union. Organizing efforts are affected by the attitudes of the employees — whether the employees are friendly, indifferent, or hostile to unions. Organizing efforts are also influenced by culture patterns and the extent to which the organizer can get into the life of the community and be seen as a friend. There are some special problems organizing women workers. Many women are reluctant to join a union if there is any likelihood

CONTENT	INSTRUCTIONAL SUGGESTIONS
Major Divisions of Organized Labor • Local (6)	Discuss with students the major divisions of organized labor. (Ref. B, pp. 99-104, 176-193; Ref. E; Ref. F.)
• National (6)	Invite a local union official to discuss his particular local's operation and activity.
• Federation (6)	
• Services Performed by Locals (6)	
• Services Performed by National (6)	

BACKGROUND INFORMATION

of a strike because their jobs are so easy to lose and pay so little that they can not afford a strike.

The local is the smallest form a union takes. It is the real union for most members.

The national or international is a number of locals in the same trade or industry. An international union has affiliated locals in the United States as well as foreign countries. Hereafter, in this text the term "national" union will include both national and international unions.

The federation is a number of national unions banded together.

Services performed by the local include:

- Collective bargaining
- Organization
- Adjustment of grievances
- Administration of contract
- Administration of benefit and welfare programs
- Legal
- Union hall
- Community work

Services performed by the national include:

- Organizing
- Collective bargaining including contract negotiations
- Strike assistance
- Legislative and legal
- Research and education
- Journals and publications
- Administration of contract
- Administration of benefit and welfare programs

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
• Services Performed by Federation (6)		Services performed by the federation include: • Legislative • Organization • Research and education • Publications • Jurisdictional problems • Legal
Controversies Surrounding Unions • Corruption and Dishonesty (7)	Discuss with students some of the controversies surrounding unions. Be sure to present both points of view (Ref. D, pp. 64-92; 463-465)	The McClellan Committee, among other things, found that local leaders were receiving kickbacks from employers in return for sweetheart contracts, union officials were using dues to buy homes and take trips, and illegal elections were held. Among the unions implicated were the Teamsters, Bakery Workers, Carpenters, Meat Cutters, and Operating Engineers. This investigation resulted in the Landrum-Griffin Act which outlawed many of these violations.
• Union Leaders Not Responsive to Members		Strong locals have increased the oppostion for abusing positions of power because: • There are more positions worth fighting for and more opportunities to profit from dishonest practices • Local leaders are always afraid of getting voted out of office which often leads them to keep criticism quiet, and use illegal election techniques to stay in power
• Use of Unions To Gain Higher Wages (7)		Unions are not as necessary for getting higher wages for working people as they used to be.
• Purposes Served by Unions (7)		A union's presence helps to get companies (even nonunion) to accept prevailing pay rates and working conditions. Unions have obtained pension and welfare benefits for their members. Unions have insured fairer treatment for their members at the work place. Unions are a potent force in representing the political interests of their members.

ARE UNIONS DEMOCRATIC? RELATIONS BETWEEN UNIONS AND MEMBERS

Specifies why there has been concern with union democracy and relates how public policy, through the Landrum-Griffin Act, attempts to safeguard democratic processes within unions

OBJECTIVES

At the completion of this module students will be able to:

1 *Define what "democracy" means to the average union member*

2 *Explain the other side of the democracy coin, that of maintaining discipline of union members*

3 *Describe the union judicial process*

4 *Outline the main sections of the Labor-Management Reporting and Disclosure Act of 1959 which relates to internal union affairs*

5 *Explicate what is contained in the law relating to internal union affairs*

6 *Argue the merits in support of union democracy and in opposition to it*

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(F) U.S. Department of Labor. *Electing union officers.* Washington, D.C. U.S. Government Printing Office. 1971.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
Concerns About Union Democracy (1)	Duplicate all or part of the sample questionnaire used by Rosen and Rosen in their book, *The Union Member Speaks.*	By definition unions are organizations of workers formed to protect themselves against arbitrary or inequitable treatment at the hands of employers. Unions have pursued their economic objectives by democratic processes.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	Ask students to complete it and use the results as a basis for a discussion. (Ref. B, Chapter 10; Ref. D, Chapter 3)	
Definition of Union Democracy (1)		In recent years unions have been attacked for being undemocratic; by sincere trade unionists who decried the gap in democracy between theory and practice; by antiunionists who used the concern with internal union democracy as a way to obtain anti-union legislation and thus curb the growth or power of unions. Many states passed laws during World War II and soon thereafter (long before the passage of the Labor Management Reporting and Disclosure Act of 1959—Landrum-Griffin) pertaining to such matters as admission, discipline, activities of union members, initiation fees, dues, assessments, registration of unions, union financial reports, and election of union officers. In general terms, union democracy refers to the right of every union member to participate fully in the conduct of the affairs of his union. More specifically, it means an effective voice in shaping policies, the ability to criticize officials without fear of reprisal, opportunities to run for union offices and to choose officers in democratically conducted elections, being informed of what is going on, and obtaining fair treatment with respect to jobs or anything else that unions attempt to provide. In a field research study conducted in the late 1950's (see Rosen-Rosen in references) the authors suggested that concepts of union democracy are derived from traditional American values. Here is what union members felt union democracy means: his right to decide what the union should do, his right to decide what goes into contract demands and whether or not to accept offers, his right to be informed about negotiations or about grievances that are being processed, union officials who are responsive, active and open union meetings, not to be told what political candidates to vote for, and his right to have enough information to make good judgments. Not too suprisingly union members, like citizens at large, tend to emphasize their rights while neglecting to mention their responsibilities.
Discipline of Union Members (2)	Examine some real-life situations and actual incidents obtained from	While it is clear that a union is a democratic organization, it is less clear, or often overlooked that a union must be unified and strong if it is to achieve its objectives. To this end, most

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	students. If students have had no personal experiences with union discipline, ask them to interview officials and friends in order to obtain real incidents of such behavior. (Ref. C; Ref. E, Chapter 14)	union constitutions provide that union members can be *fined* or even *expelled* for a wide variety of reasons. The right to discipline union members still exists, but as in the case of society at large, our courts have ruled that union disciplinary procedures must meet accepted standards of procedural due process. Due process, although an elusive concept, generally means the provision of appeal procedures, the right to be represented by counsel, the opportunity to cross-examine witnesses, the right to remain silent, the right to have a record of proceedings, and similar safeguards.
Punishable Union Member Behavior (2)		Union constitutions and bylaws specify many actions that are not condoned, such as being in arrears on dues payments, and attendance on picket line. Apart from these specific rules, most unions consider it a very serious offense for members to participate in unauthorized work stoppages or strikes. Also, any actions where members take "things into their own hands" or so-called self-help activities can lead to disciplinary action by the union.
Union Member Responsibilities (2)		As indicated elsewhere in this training sequence, all union members incur the obligation to participate in their union affairs, to criticize policies and policy makers in a constructive fashion, and to exercise their franchise for nominating and electing good leaders.
Union Judicial Process (3)	Examine some real-life situations and actual incidents obtained from students. If students have had no personal experiences with union judicial process ask them to interview officials and friends in order to obtain real incidents of such behavior. (ref. A, Chapter 5)	Since there are hundreds of unions, the procedures for insuring that union members are not treated unfairly may vary somewhat. The judicial process usually includes the following: • Listing of specific offenses and the range of penalties for each • Charging alleged violators in writing concerning the offense and the section of the union constitution or bylaws that were violated • Trying or hearing the case before a group of members, appointed for the task

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
		• Providing for an appeal from the decision of the trial or hearing to the national president, executive board, or most commonly, to the general convention of the union • Taking the case to Civil Courts after all the internal union appeal procedures have been exhausted
The Main Sections of the Labor-Management Reporting and Disclosure Act of 1959 (4)	Obtain from the Audio-Visual Center, NYSSILR, Cornell U., Ithaca, N.Y. 14850, the self-study cassette and guide, "A Review of the Methods Available to Resolve Disputes in Negotiations, and Over Contract Interpretations as well as the Regulations of Internal Union Affairs." (Ref. B, Chapter 9; Ref. F.)	The thrust of this law is to put the Federal government into the business of regulating internal affairs of unions at both the local and national levels. Its regulations provide for several requirements, including financial and other data reporting, a "bill of rights" for union members, procedural requirements for raising dues or assessments, guarantee of a member's right to sue his union, standards for disciplinary procedures, restrictions on union trusteeships, rules of conduct for union elections, and other new obligations for all. Why the law was passed is evident in the law's declaration of intent and policy: "The Congress ... finds, from recent investigations in the labor and management fields that there have been a number of instances of breach of trust, corruption, disregard of the rights of individual employees, and other failures to observe high standards of responsibility and ethical conduct which require further and supplementary legislation..."
Regulation of Internal Union Affairs • Title I, "Bill of Rights" (5)	Assign students one of the following or similar discussion questions: • Does the right of free speech extend to the right to filibuster at union meetings? • What limitations should be placed on free speech? • Should the government audit a union's books even though no one has alleged any mismanagement of funds? (Ref.B, Chapter 9; Ref. F)	This title guarantees to union members *equal rights* (1) to nominate candidates for union office, (2) to vote in elections, (3) to attend meetings, (4) to discuss and vote on matters that come up in union meetings. *Freedom of Speech and Assembly*—This section gives to every member the right to meet and assemble freely with other members, and to express freely his views both in union meetings and outside of meetings. *Dues, Initiation Fees and Assessments*—A vote of the membership is required before any changes are made in dues or fees. *Protection of the Right to Sue*—Although a member must use a union's internal procedure, he must first exhaust these internal procedures within four months. *Disciplinary Procedures*—This requires that in all disciplinary procedures the accused be given "written specific charges," "reasonable time to prepare," and a "full and fair hearing."

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
• Title II – Annual Reporting (5)		Under this title, unions, officials and employees of unions, and employers are required to report annually on the status of the union constitution, on financial records of union officials, and on financial transactions between employers and union officials. If the union constitution does not cover them, the union must file a statement on the following matters: • Initiation fees • Regular dues and work permit fees • Qualifications for and restrictions on membership • Assessments • Financial audits authorization • Calling of meetings procedure • Methods of selecting stewards and officers • Discipline or removal of officers • Procedure and grounds for imposing fines or expelling members • Ratification of contract terms • Strike authorizations • Issuance of work permits Unions must also file financial reports once a year detailing: • Assets and liabilities • Receipts and their sources • Salaries and payments to officers of over $10,000 per year • Information on loans.
• Title III – Trusteeships (5)		This title regulates the purposes and conditions for imposing trusteeships or local unions by the parent body. Trusteeship may be imposed (clear proof must be demonstrated for courts to permit trusteeships to run more than 13 months) for the following purposes: • Correcting corruption • Restoring democratic procedure
• Title IV – Election of Officials (5)		There are detailed provisions for regulating the election process. Elections must be held periodically, nominations must be open and union members must be informed about pending elections.

CONTENT

INSTRUCTIONAL SUGGESTIONS

BACKGROUND INFORMATION

Members shall have the right to vote for or otherwise support the candidate or candidates of his choice without being subject to penalty, discipline or improper interference or reprisal of any kind. Specifically, there is a prohibition against discrimination or unfairness against candidates running in a union election. Some of the ground rules for conducting elections include:

- Reasonable requests to distribute campaign literature must be honored
- Union funds may not be used to promote candidacy of anyone
- Poll watchers and counters should be used
- No disciplinary procedure may be used or threatened
- Challenges to elections must follow specified procedures

• Title V — Financial Safeguards Through Bonding of Union Officials (5)

Union officials under this act are held accountable to:

- Use union funds for the benefit of the union
- Avoid conflicts of interest
- Avoid exploiting their union offices for personal gain.

Bonds are required of officials who handle funds and they are also required to file reports on certain financial holdings and transactions. Certain types of convicted persons and Communists are barred from holding official union positions.

Arguments for Union Democracy (6)

In the final analysis, a union's strength depends on its concerted activity so that anything that interferes with democracy may curtail union power. Without democratic participation of membership in decision making, leaders will probably misinterpret what the members really want. If members are not really involved in the contract negotiations, leaders may negotiate contracts which serve leader needs, maybe employer needs, but not necessarily member needs.

Arguments Against More Union Democracy (6)

Union leaders must have room to maneuver in negotiations with employers. If the leader must constantly seek approval of the rank and file, employers may take advantage of such weakness. At the extreme it would be difficult to obtain a collective bargaining agreement, since there are always dissidents or malcontents who would vote down any offer no matter how good.

HOW ARE LOCAL UNIONS GOVERNED?

Gives the organization and staffing patterns of local unions and explains their financing and decisionmaking processes

OBJECTIVES

At the completion of this module students will be able to:

1 *Describe the separation of power between the national and local union levels*

2 *Delineate constitutional aspects of unions (constitution and bylaws)*

3 *Prepare accurate summaries of the duties and responsibilities for both elected and appointed union officials*

4 *Explain union dues and finances*

5 *Describe the responsibilities of a union member*

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CONTENT	INSTRUCTIONAL SUGGESTIONS
Authority of National (or international) Unions (1)	Ask apprentices who are members of unions to describe exactly what their national union specifies the local union can and cannot do. (Ref. A, Chapter IV, Ref. B)
Decisionmaking Powers of National Unions (1)	

BACKGROUND INFORMATION

It should be emphasized that the national (most frequently referred to as "international") level of United States unionism is the most significant guiding force in this country. There are over a hundred, some of which are very large with over a million members, such as the UAW, USW, IBEW, IAM. This importance and power is underlined by the fact that they do not have to belong, to any federation to be successful. Consider, for example, the powerful Teamsters' Union, which in the 1970's was *not* affiliated with the AFL-CIO.

The basic authority of the national is that they form local unions by granting and sometimes withdrawing local charters. To charter a local means to give it official recognition as a member part of the national. In addition most nationals exercise some power of local bylaws; they can remove local officials who are not performing according to law and custom; they can direct the affairs of a local if that local is nonconforming; and they sometimes engage in collective bargaining.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
Differences Between Craft and Industrial National Unions (1)		In general, the industrial unions (such as the UAW or USW) are quite highly centralized and exercise rather tight control over their local unions. And collective bargaining negotiations are conducted at the national level of industrial unions. By contrast collective bargaining by craft unions is a responsibility of the local union, but questions of jurisdiction (who should perform the work) is a responsibility of the craft national union.
Summary of National Union Programs (1)		The complete range of activities carried on at the national union level includes the following: • Research and legal services • Workers' education • Political action • Lobbying • Related activities - vacation facilities and low-cost housing • Publication of Newspapers, magazines and bulletins
Constitution of a Local Union (2)	Ask students who are members of unions to bring to class copies of their union's constitution and bylaws. (Ref. A, Chapter IV: Ref. B)	The constitution and bylaws of local unions are generally formulated by the locals, subject to approval by their "parent" national with whom they are affiliated.
Contents of a Local Union Constitution and By-laws (2)	Invite local union officials to explain the constitutional aspects of their unions.	Generally, the constitution begins with an opening section which explains union objectives and ideals. Normally, the constitution defines union jurisdiction, duties and authority of union officers, qualifications for holding office, composition of the executive board and its responsibilities, when union meetings will be held, union dues, disciplinary procedures, rules of order, traveling cards (in craft locals), and benefits.
Local Union Meetings (2)		Constitutionally, the local union meeting is the body which governs the affairs of the local. Although day-by-day administration is delegated to union officials, determination of policy and rules is decided by the union meeting, i.e., the whole body.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
Other Constitutional Aspects (at the national level) (2)		Whereas the local union meeting is the sovereign body at the local level, the convention (usually annually) represents the national's highest lawmaking or policy body. Between conventions the work of the international is carried out by an executive board or executive council.
Duties of Local Union Officers (usually unpaid) (3)	Invite local elected union officials to explain in personal terms what they do, why they do it, and the problems they face in discharging their responsibilities. (Ref. A, Chapter V; Ref. C, Chapter 6, 8) Show the film, "Union Local," distributed by United World Films, Inc.	Most locals usually elect the following officers: president, vice president (one or more depending on size of the local), recording secretary, and secretary-treasurer. These elected officials usually continue to work and to conduct union affairs after hours. The president usually directs the union within the constitution and adopted policies. He presides at union meetings, at meetings of the executive board, appoints committees, sits in on committee meetings, and he often takes leadership of collective bargaining negotiations. In sum, he is the elected leader of the union during a specified term of office. Vice presidents, when they exist, are elected to help the president to direct the workings of the local. The duties of a treasurer or secretary-treasurer are implied in the job title, namely, to manage union funds.
Local Union Committees (3)		The principal officers of the local are usually formed into an executive committee. Their work, subject to union meeting approval, is involved with all facets of union affairs such as finances, negotiations, policy formulation, and appointment of other committees. Most unions appoint a number of other committees to help govern their affairs including usually a grievance committee, welfare committee, activities committee, education committee, and others if the local is very large.
Local Union Stewards (3)		Usually elected at the work place (often in ratio to total numbers of workers) are stewards or committee men. Sometimes they are relieved of all or part of their regular duties. In all cases, they act as the "noncommissioned" officers, processing grievances, interpreting the collective bargaining agreement, and protecting individual member and union interests.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
Local Paid Union Officials (staff) (3)		In the case of craft unions, a business manager or business agent (or several) is paid to handle most of the work such as operating the hiring and referral system, policing jobs to see that contracts are being followed, and organizing and handling grievances and negotiations. In industrial union locals there are few such business agents. Instead there are field or national representatives who have responsibilities similar to those of business agents and who are attached directly to the national headquarters or to a regional office.
Union Dues, Fees, and Assessments (4)	Base the discussion of particular unions' dues, fees, assessments and money handling on actual case studies or inputs from invited union officials. (Ref. A, Chapter V)	Union activities are financed by collecting from its members initiation fees, dues, and sometimes other assessments. In some instances, union funds are invested so as to provide additional revenue. Where initiation fees are levied for admission to union membership the amounts can be nominal ($5 or $10) or quite large (several hundred dollars). Excessive admissions or initiation fees are prohibited by the National Labor-Management Relations Act. The amount of monthly dues payment varies considerably union by union. As a rule, it has been suggested by some researchers that monthly union dues are equal to a little less than the pay that can be earned in two hours of work. It should be emphasized that for these dues the member obtains not only the regular union protection or enhancement of wages and conditions, but frequently also insurance, health, and retirement benefits as well. Assessments are levied from time to time to provide for extraordinary situations such as strike support or organizing the unorganized.
Union Expenses (4)		At the local level, the major expenses are salaries of full-time officials (business managers), clerical employees, expenses of officials attending conventions, rent and maintenance of property, education, and a per capita "tax" which goes to the parent national body.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
		Over the years, better and better record keeping and financial accounting practices have been developed for the handling of union money due both to member pressure and to public legislation. By law, union members must be told how union funds are spent. And member diligence at the local meeting is often expressed in the form of critical questions about any and all expenditures.
Union Member's Responsibilities – Participation (5)	Ask students to express their opinions on the responsibilities of a union member	Quite obviously, the first duty is to be a paid-up member. In addition, however, members must be actively involved in formulating and approving policies and actions of their unions. It is patently not enough just to accept union benefits as something that are obtained for the payment of dues. Since our theory of unionism holds that unions are to be run by democratic procedures, is is important that all members get involved. When members do not get involved, it is possible for relatively few people to become dictators or even worse to become corrupted.
Constructive Criticism (5)		In a healthy, democratic union, members do not automatically support any and all policies. Instead, they judge each proposed policy on its merits after a process of analysis and debate. At a minimum, members should attend meetings, voice their views, exercise their right to vote and, when criticism is justified, to express it through the proper constitutional channels.

HIGHLIGHTS OF AMERICAN LABOR UNION HISTORY

Identifies some of the events, organizations, and individuals important in shaping the American labor movement

OBJECTIVES

At the completion of this module students will be able to:

1 *Explain how employer's attitudes, economic conditions, technological changes, and government policies affect the status and bargaining position of the individual worker*

2 *Explain the precautions a union member should take to keep his union in line with the purposes for which it was chartered*

3 *Explain the challenges that face organized labor today and suggest ways to meet these challenges*

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CONTENT	INSTRUCTIONAL SUGGESTIONS
Present Status of the American Worker (1)	Discuss briefly the status of the American worker and explain how a short study of the American labor movement will give the apprentice a better understanding of the way these accomplishments were achieved.
Employer Attitudes • Prior to 1850 (1)	Discuss how the workers' efforts to organize are affected by employer attitudes. Explain why the first unions were formed and why they were structured along craft lines. (Ref. A, pp. 91-94; Ref. B, pp. 20-22;

BACKGROUND INFORMATION

Point out that the present status of the American worker did not just happen but is the result of a long, hard struggle requiring many personal sacrifices and much hard work on the part of many individuals. The history of the American labor movement is not a series of isolated events, but the struggle of workers, since colonial times, striving for higher wages and better working conditions, and how employer attitudes, economic conditions, technological changes, and governmental policies have either helped or hindered the progress along the way.

Shortly after the close of the Revolutionary War, workers began banding together to deal with employers on such problems as wages, hours, hiring rights, and apprenticeship regulations. Each group was composed of skilled workmen from one occupation. Later, these separate groups joined together to form city-wide federations. These first unions were able to improve conditions for the workers.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	Ref. C, pp. 12-14; Ref. D, pp. 1-8).	
• From 1890 to World War I (1)	Use the Homestead strike of 1892 to illustrate employer resistance to organized labor around the early 1900's. Explain that management was becoming powerful and using the courts to combat employee demands. (Ref. A, pp. 104-108; Ref. C, pp. 160-183; Ref. D, pp. 18-20).	In the 1890's companies were developing rapidly into large corporations and the employers resisted vigorously any efforts of the workers to form unions. Clashes sometimes resulted in violence, injuries, and death. The period from 1900 to World War I was characterized by increasing pressure against unions. Employers adopted union-smashing tactics and many workers were at the mercy of the employers. Thus, worker's gains were small during this period.
• During the 1920's (1)	Explain how the employers' more favorable attitude toward labor during the early 1920's improved the conditions of the workers but weakened the importance of unions. (Ref. B, pp. 224-263; Ref. D, pp. 24-27).	In the 1920's employers improved the conditions of the individual worker. These tactics weaken the importance of unions and as a result union membership decreased during this period. Unfortunately, these gains for the workers were dropped quickly during the economic hard times of the 1930's.
Economic Conditions • During the Early 1800's (1)	Discuss how the worker's efforts to organize are affected by economic conditions. Explain the growth pattern of unions prior to 1860. (Ref. B, pp. 73-94; Ref. D, pp. 8-12).	During the early 1800's unions flourished in periods of economic growth but declined or disappeared in times of recession. During these periods of hard times, workers formed or joined political parties to promote their goals. Although they were unsuccessful they did make the public aware of the social and economic inequalities experienced by workers.
• After the Civil War (1)	Discuss the conditions which led to the development of national unions. (Ref. A, pp. 94-95; Ref. B, pp. 95-113).	After the Civil War, identical products were appearing in the local markets which were made in various parts of the country but under different wage scales. Thus, skilled workers from different parts of the country were in competition with each other. This situation gave rise to the need for a national organization to establish

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
		uniform wage rates in all sections of the country. Some national unions formed in the 1860's became relatively strong and a few are in existence today.
	Explain the conditions that led to the founding the American Federation of Labor. (Ref. A, pp. 95-101; Ref. B, pp. 126-165; Ref. C, pp. 15-21; Ref. D, pp. 13-18).	In the 1870's there developed a need for a larger organization than the national unions to cope with competition from the immigrants, hostility of the Courts, and the unsympathetic attitude of the Federal Government towards labor. The Knights of Labor were formed to unite all types of workers into "one big union". It flourished for a short time but disappeared from the scene because of a greater concern for social reforms than for wages and working conditions.
		At this time, several prominent craft unions joined together and formed a rival labor organization called the American Federation of Labor (AFL). Samuel Gompers was one of the original founders and served as president of the organization for over 40 years. The AFL was a "union of unions" and promoted increased wages, shorter hours, improved safety and working conditions, and protection from tyrannical management.
• During the Early 1920's and 30's. (1)	Explain why union membership increases in periods of economic expansion and declines in periods of economic recession. (Ref. B, pp. 224-263; Ref. C, pp. 83-86; Ref. D, pp. 24-27).	During the 1920's and 1930's, more and more factories adopted mass production techniques. As a result, there was developing a large mass of workers who were being ignored by the craft unions. A group within the AFL tried for several years to promote the organization of these workers along industrial lines. They failed in their efforts and were eventually expelled from the Federation.
		Under the leadership of John L. Lewis, this group of nine unions and 32 other organizing committees formed the Congress of Industrial Organization (CIO) in 1938. The CIO followed the general organizational pattern of the AFL, except it promoted industrial unionism and worked mainly for the interest of the unskilled and semiskilled workers. The rivalry between the two large federations stimulated the organizing efforts of unions in each group. As a result, union membership doubled in a few years.
Government Policies • During the 1890's Early 1900's (1)	Discuss how the workers' efforts to organize are affected by government policies.	During the 1890's when corporations were growing rapidly, employers were able to obtain injunctions prohibiting strikes. These injunctions were used to jail union leaders and the workers, lacking direction, usually went back to work. Also, federal troops and state militia were used to restore order and protect nonunion

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	Use the Pullman strike of 1894 to illustrate how Federal troops and court injunctions were used to weaken strikes during this period. (Ref. B, pp. 160-183; Ref. D, pp. 18-20).	workers brought in by management to reopen plants.
• During the 1920's. (1)	Explain how a change in public opinion in favor of labor made possible the passage of the Railway Labor Act. (Ref. B, pp. 264-287; Ref. D, pp. 27-28.)	As corporations became more powerful, it became evident that the worker needed some protection. The Railway Labor Act of 1926, although limited in scope, required employer's to bargain collectively and gave railroad workers the right to join unions.
• During the 1930's (1)	Explain briefly the different labor laws that were passed during the 1930's and show how each one affected the labor movement. (Ref. A, pp. 111-112; Ref. C, pp. 101-107; Ref. D, pp. 28-29).	The Norris-La Guardia Act of 1932 prohibited federal injunctions in labor disputes, outlawed "yellow dog" contracts, and limited the liability of unions for unlawful acts of their officers and members. The Wagner Act or the National Labor Relations Act of 1935 gave workers the right to join unions and elect their own collective bargaining representatives. This was the most significant labor law thus far enacted. The Wage-Hour Act or the Fair Labor Standards Act of 1938 provided a minimum wage and maximum hours for workers engaged in producing and transporting goods for interstate commerce and related situations.
	Discuss how the Wagner Act and the increasing number of semiskilled workers affected the growth of union membership. (Ref. D, pp. 29-30).	Union membership expanded as a result of a favorable attitude toward labor by the government. The greatest growth was among the unorganized, semiskilled workers in the mass production industries. These new unions were organized along industrial lines and included all workers within a plant or industry, regardless of skill. It was during this period that workers used the sit-down strike to gain their demands. These strikes aroused public resentment against unions and were shortly outlawed by the courts. Under government protection, unions grew strong and powerful during the late 30's and early 40's.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
• Following World War II (1)	Explain why public opinion shifted away from labor during the late 1940's and how this change made possible the passage of the Taft-Hartley Act. (Ref. A, pp. 114-115; Ref. B, pp. 355-369; Ref. C, pp. 107-112)	Following World War II, organized labor was critized for long and costly strikes, the use of viclence, left-wing domination in a few unions, defiant wildcat strikes, and undemocratic practices followed by some unions. There was an increasing demand on the part of the public to place some curbs on union activities.
	Discuss briefly the provisions of the Taft-Hartley Act and labor's reaction to the law. (Ref. D, pp. 35-44).	The Taft-Hartley Act of 1947 was passed to establish a better balance of rights and responsibilities between labor and management. The Act continued the basic principles of the Wagner Act but enlarged the unfair labor practices to include such union activities as jurisdictional strikes, featherbedding, secondary boycotts, high initiations fees, and the closed shop. Also, when the health and safety of the nation is endangered, the President may obtain an injunction stopping a strike for 80 days. Unions and their leaders were now legally responsible for their actions and could be sued for damages. Union officers must now make periodic reports to the membership concerning union finances. Also, union officials must swear they are not members of the Communist Party. The Taft-Hartley Act made unions more responsible for their actions. Organized labor has vigorously opposed the Act for a number of years.
• During the Late 1950's (1)	Explain how the Landrum-Griffin Act affected individual union members. (Ref. A, pp. 117-118; Ref. B, pp. 382-389; Ref. C, pp. 112-116; Ref. D, pp. 58-61).	The Landrum-Griffin Act or Labor-Management Reporting and Disclosure Act of 1959 was passed after a 3-year investigation had uncovered some corrupt practices on the part of a few union leaders. The act gave union members the right to participate freely in meetings, to ballot secretly, and have access to financial and business records of their unions. The Act also put new curbs on secondary boycotts and picketing and gave states jurisdiction over local and unimportant disputes. This was the start on the part of the government of becoming increasingly involved in establishing and enforcing rules and regulations related to the rights and safety of the worker.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
• During the 1960's (1)	Explain how the Equal Employment Opportunity section of the Civil Rights Act affects union membership and apprenticeship training requirements.	The Equal Employment Opportunity section of the Civil Rights Act of 1964 prohibited discrimination based on race, color, religion, sex, or national origin relative to hiring, apprenticeship, employment, and union membership.
	Discuss how the amendments to the Fair Labor Standards Act affect the individual worker.	Amendments to the Fair Labor Standards Act passed in 1966 extended minimum wage protection to about 10 million workers previously excluded and raised the minimum wage for workers already covered.
• During the 1970's (1)	Discuss the rights and responsibilities of employers and employees under the Occupational Safety and Health Act. (Ref. All About OSHA, published by the U.S. Dept. of Labor).	The Occupational Safety and Health Act was passed in 1971 to protect employees at the workplace.
	Explain how the Equal Employment Opportunity section was strengthened.	The Equal Employment Opportunity Act granted the Equal Employment Opportunity Commission legal access to the courts to prosecute complaints of discrimination based on race, religion, or sex which could not be settled through mediation or conciliation.
A Look Back — Problems Encountered by Organized Labor (2)	*Be sure that the discussion relative to the problems which have confronted organized labor does not get out of control or become one sided.*	A review of past problems which have confronted organized labor along with their solutions may serve as guidelines for dealing with future problems.
• The Challenge by Radical Groups (2)	Discuss the threat faced by unions from radical groups.	Within many unions there are a few left-wing radicals but usually the leadership is able to keep these individuals under control. Many radicals were attracted to the industrial unions when they were first formed because it provided an easy opportunity to infiltrate the ranks of labor. Some of these people were used as organizers and others worked their way up to positions of authority. When it became clear that these radicals were more interested in
	Explain how it is possible to systematically take over an	

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	organization and use it to promote ideas that are actually foreign to the group. Indicate the importance of participating in meetings to see that the organization follows the purposes for which it was chartered. (Ref. C, pp. 27-29; Ref. D, pp. 45-48.)	following the "party line" than in supporting union activities, the CIO expelled those unions that were dominated by left-wing elements. New unions were chartered to replace those that had been ousted.
• The Challenge by Organized Crime (2)	Discuss the threat faced by unions from members of organized crime. (Ref. D, pp. 58-61.)	Some unions have been infiltrated by members of organized crime who gradually took over control of the union for their own benefit. The crimes included stealing from union treasuries, fraud in union elections, bribery, extortion, falsifying union and tax records, the use of "strong-arm" methods to silence members who dared to challenge them, and secret agreements between labor officials and management. The offending unions were brought before the Ethical Practices Committee and, after hearings, were ordered by the Executive Council of the Federation to purge themselves of corrupt influences. Unions who failed to correct this order were expelled from the Federation (Teamsters, Baking Workers, and Laundry Workers). New unions were chartered to replace those that had been expelled.
	Explain how union members are now protected from undersirable groups. (Ref. A, pp. 161-172; Ref. C, pp. 112-116).	The Landrum-Griffin Act was passed to protect the union member as well as the public from corrupt practices. The misuse of union funds and similar practices are now federal crimes and stiff penalties are provided for violations.
• Jurisdictional Disputes (3)	Develop with the students the problems that arise over the assignment of work or jobs. Use, as examples, disputes or strikes that have occurred between competing unions within the last few years. If	Disputes relative to the assignment of work or jobs are apt to occur in the construction industry. During periods of high employment, one union may allow, by default, another union to perform some of its less demanding tasks. Then when work becomes scarce, the first union claims that the other union is performing jobs that are not its to do and refuses to do any further work until the dispute is resolved. Occasionally, a jurisdictional dispute arises as the result of a

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	possible, use a local dispute or strike for at least one of the examples. (Ref. A, pp. 82-83, 609.)	power struggle between rival factions within a union. To gain popularity, the leader of one faction tries to obtain additional work for his followers at the expense of another union's tasks. Sometimes, a jurisdictional dispute arises when a specific product that has been constructed for many years from a certain material such as wood, is now manufactured from a different material, such as metal. The union that has always handled metal products believes that the new form of the product is now within its jurisdiction while the union that has performed the work in the past believes it is still its right to do the work. The Federation attempts to resolve jurisdictional disputes among national unions. Occasionally, an unresolved dispute has caused a few unions to disaffiliate from the Federation. Jurisdictional disputes are often settled at the local level when the individual unions realize that settling the dispute is more important than continuing the disagreement.
• Merger (3)	Discuss briefly the merger of the two labor federations into the AFL-CIO and indicate how this affected organized labor. (Ref. A, pp. 115-117; Ref. B, pp. 369-382; Ref. C, pp. 28-32; Ref. D, pp. 48-61.)	In the early 1950's there was an increasing amount of cooperation between the two labor federations which gave a fresh push to the merger movement. The first step was a 2-year no-raiding agreement among the unions of both federations. Then, a joint committee was established to explore the possibility of a merger. Late in 1955, an agreement to merge was approved with George Meany as president, Walter Reuther as vice-president, and William Schnitzler as secretary-treasurer. Former state and local organizations of the two federations were required to merge within 2 years. Even though the Federation merged, it was far from completely unified. In the mid 1960's, the United Automobile Workers union became increasingly critical of the way the Federation was handling such problems as organizing the unorganized, unemployment, civil rights, and foreign policy issues. These disputes along with personal differences between Meany and Reuther resulted in the UAW withdrawing from the Federation. This withdrawal and the earlier explosion of the Teamsters left the two largest unions in the United States as independents.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
A Look Ahead — Challenges to Organized Labor (3)	Discuss some of the challenges that face organized labor in the years ahead. (Ref. A, pp. 118-121, 577-585; Ref. C, pp. 32-34, 117-118; Ref. D, pp. 61-68, 85-97.)	Despite the gains made by organized labor, union membership remains about 25 percent of the labor force. Increasing union membership is difficult because workers in some industries have preferred to remain independent; blue-collar workers, who have provided the bulk of union membership in the past, are declining in numbers; white-collar, who have been hard to organize, are increasing in numbers; many of the remaining unorganized workers are difficult to organize; some unions still use restrictive membership policies; and there is a growing sophistication on the part of management in the way it deals with workers which lessens the need for unions. The organizing of unorganized workers within its jurisdiction continues to be a basic aim of American labor movement. The special needs of the white-collar people have prompted unions to review their organizing techniques. Also, unions are beginning to organize public employees and the farm workers.
	Develop with students the problems of obtaining equitable wages and working conditions for all the members of an industrial union composed of unskilled, semiskilled, and skilled workers.	
	Have students who are union members indicate how their organizations are attempting to solve some of these challenges	
	Compare the backgrounds of leaders of local unions with the backgrounds of present-day leaders of national unions and of the Federation and explain why a difference may exist.	Labor leaders who are emerging today differ in background and training from the men who guided the labor movement for the first part of the 20th century. Over the last 20 years, the management procedures have become more complex and sophisticated and the government has imposed more and more regulations and restrictions relative to labor-management relations. Because of these changes, it is important that today's labor leaders be able to present effectively labor's position and points of view on a variety of topics, interpret government regulations, and meet at the bargaining table, on an equal basis, the employer's negotiators. Thus, the new labor leaders are more apt to be college-trained than to have come up through the ranks of the union's membership.

Under pressure that much more needed to be done for members of minority groups, the Federation reaffirmed its opposition to all forms of discrimination, strengthened its compliance machinery, promoted preapprenticeship training programs for the disadvantaged, and encouraged member unions to admit such potential apprentices.

A continuing aim of organized labor is to obtain improved wages, hours, and working conditions. Over the years, labor has broadened its philosophy and this change was illustrated when Reuther indicated that the labor movement should not just patch things up but strive to help the working people reap the benefits of their labor. The workers that need the most help are the young people entering the labor force, the unskilled workers, and members of the minority groups.

Collective bargaining is a process which indicates there is a difference of opinion. Sometimes, one party believes the cost of agreeing is more than the cost of disagreeing and a work stoppage or strike occurs. In our complex society, a strike may injure the public as well as the parties at the bargaining table. Thus, all parties involved in a strike should be responsible enough to consider the broader consequences of their actions.

The challenge to today's labor leaders is to develop a unionism that is suited to the changes taking place in our economy and to use techniques which will protect the rights of the worker without endangering the welfare of the Nation. Labor needs to accept the challenge that it has a responsibility to the public as well as the worker. Otherwise, there is the danger that more restrictive controls may be imposed because the government will not stand idly by while labor and management settle their differences at the expense of the public.

UNIT 4

MODULE 5

EMPLOYER - EMPLOYEE - UNION RELATIONS: INDIVIDUAL OR COLLECTIVE BARGAINING

Presents the interests and rights of individual employers, employees, and unions concerning the terms and conditions of employment

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OBJECTIVES

At the completion of this module students will be able to:

1 *Explain the major concepts of employees and employee-employer relations*

2 *Describe the expectations, rights, and interests of employers as these relate to employees (labor)*

3 *Identify the major employee expectations, rights, and interests.*

4 *Explain areas of mutual agreement between employee and employer and those areas which seem to be in conflict*

5 *Define individual and collective bargaining*

6 *Describe how individual and collective bargaining practices seek to protect and to enhance employee interests*

7 *Compare and contrast management and union goals in collective bargaining*

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OBJECTIVES

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CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
Concepts of Employees as: • Factors of Production (economy) (1)	Discuss with the students the concepts developed in this section of the module (Ref. E, Chapter I)	Workers are thought by some to be like commodities, where the wage was a price to be paid in a buying and selling transaction. Workers were like machines to be used and discarded when obsolete.
• Individuals Who Voluntarily Contract With Employer To Supply Services (law) (1)		No one is compelled to become an employee; neither is anyone forced to serve an employer. This is "free" in contrast to slave labor.
• Persons Who Needed Protection and Who Did Not Know What Was Best for Them (paternalism) (1)		Employers maintained "welfare departments" to look after employees early in the 20th century. In some cases some employers used this paternalistic approach as a strategy to keep unions from forming.
• Persons Who Form Labor Unions Which Then Enter into Collective Negotia-		This process and this relationship of determining terms and conditions of employment through negotiations (collective bargaining) is explained in another section of this module.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
tions with Employers (collective bargaining) (1)		
• Human Beings (humanism) (1)		This view of workers recognizes that they have rights as citizens and that they must be treated humanely and with dignity.
Employers desire to: • Make Decisions That Will Help To Achieve Their Goals (2)	Ask several employers, who are apprenticeship sponsors, to discuss how they look at individual workers, employee relations, and organized labor. (Ref. B, Ref. C.)	Satisfaction of employees is secondary from an employer's perspective. Employers feel that their primary responsibility is to the owners of business, not to employees.
• Have Stability and Continuity in Their Operations (2)		Individual or collective action leading to absenteeism or loss of manpower would be viewed by employers as undesirable.
• Be Able To Predict Their Costs (2)		Established wage rates are necessary if employers are to plan ahead.
• Make Productivity Improvements (2)		Anything that increases the cost of production such as restrictions on what tools or technology can be used, restrictions on output, or any worker imposed work rules that may affect productivity are seen in negative light by employers.
• Have Employees That Show Initiative, Willingness, and Responsibility (2)		In the ideal sense, employers would like their employees to agree with their goals, willingly assume responsibility, and to accept necessary instructions.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
• Innovate, Introduce Change, and Provide Goods and Services At a Profit to Owners (2)		The right to innovate and to conduct business with relative freedom is a hallmark of our society, modified, however, by specific legal regulations and/or collective bargaining.
Employees desire: • Financial and Psychological Security (3)	Ask students to relate in their own words what they really expect and want from their jobs and employers. (Ref. G)	As indicated here and elsewhere in this training sequence on industrial and labor relations, employees need and want a measure of economic security.
• Safe and Pleasant Working Conditions (3)		The surroundings in which work takes place are important. Unsafe and unsound conditions will not be tolerated except perhaps for a price.
• The Right Under Section 7 of the National Labor Relations Act to organize (3)		The legal rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, to act together for the purposes of collective bargaining or other mutual aid or protection, or to refrain from all such activities are guaranteed under Section 7 of the National Labor Relations Act.
• Understanding, Freedom To Make Mistakes, Opportunity, and Fair Play (3)		Beyond economic security and legally protected rights of organizations, employees today need and expect understanding from employers, clear-cut decisions that are predictable and a genuine interest in the worker as a *person*.
Areas of Interdependence — Profits and Wages (4)	Lead a discussion around the concept that the employer-employee relationship inevitably leads to conflict because the two parties	There is a mutuality of interest for employer and employee in that the economic system provides profits for owners and wages for employees. In reverse, neither party can really exist without the other.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	need and want different things and neither party can really be responsible for the other party. (Ref. A; Ref. B)	
Areas of Potential Conflict (4)		Some conflict is inevitable in employer-employee relations, considering that employers are always striving to cut costs by introducing new technology and/or reducing the number of required employees, and which employees, of course, resist. This is an attempt to achieve job and economic security.
Individual Bargaining (5)		Employees have always sought to improve their position (their wages or working conditions) relative to the employer. Individual bargaining is the process whereby an individual tries to obtain more or to remove onerous or frustrating conditions by threatening to withhold services (his labor). The big question about individual bargaining is whether the two parties have equal or unequal bargaining strength.
Collective Bargaining (5)		Collective bargaining is the relationship between employers (or their managers) and the representatives of employees (unions). The legal definition of collective bargaining is contained in Section 8(d) of the NLRA which states: "...to bargain collectively is the performance of the mutual obligation of the employer and the representatives of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession..." Collective bargaining is a power relationship between a management and a union where both parties use economic power (strikes and lockouts) to try to achieve their goals. In contrast to individual bargaining, the parties to collective bargaining are more or less equal in bargaining strength.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
Management Goals • Preserve and Strengthen the Organization (4) • Retain Control • Establish Stable Relationships with Union (6) • Preserve the Economic System (6) • Advance Personal Ambitions of Managers (6)	Invite employer and union representatives, who have engaged in collective bargaining, to outline their goals in bargaining as defined in particular situations. (Ref. D, Chapter 1)	Employers are concerned about keeping their firms healthy and growing, in a financial and real sense. To do this they must achieve an orderly and "businesslike" relationship. The free enterprise system must, of course, be preserved.
Union Goals • Preserve and Strengthen the Union (6) • Promote Economic Welfare of Members (6) • Acquire Control Over Jobs (6) • Promote Social and Economic Objectives (6) • Advance Personal Ambitions of Union Leaders (6)		Unions see themselves as the only countervailing force in the U.S. to the power of employers. As in the case of management, the first objective is to assure continuity of the institution (the union). The major instrument for achieving their goals is collective bargaining, but both parties also use political power whenever they can.

THE LAW ON COLLECTIVE BARGAINING

Describes why industrial and labor relations are regulated by law, how the present law evolved and explains major provisions and procedures followed under the National Labor Relations Act

OBJECTIVES

At the completion of this module students will be able to:

1 *Explain the public's concern in labor law and how it has been expressed in policy*

2 *Distinguish and differentiate the several laws that affect collective bargaining*

3 *Describe and explain the major "stepping stones" of labor law that led to our present legislation*

4 *Explain the major provisions of the National Labor Relations Act (Taft-Hartley)*

5 *Describe the special agency that enforces the law (The National Labor Relations Board)*

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(B) Chamberlain, N.W. & Cullen, D.E. *The labor sector;* 2d. ed. New York, N.Y. McGraw-Hill Book Co., Inc. 1971.

(C) U.S. National Labor Relations Board. *Summary of the National Labor Relations Act.* Washington, D.C. U.S. Government Printing Office. 1970.

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CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
The Labor Law — An Attempt To "Swing the Pendulum" (1)		The history of Federal regulation of industrial and labor relations has frequently been referred to as an attempt to move the pendulum back to a mid point. Behind this metaphor is the important notion that neither unions nor employers should have excessive power over one another. Instead they should be roughly equal in their strength or power.
Regulation and Control of Power (1)		This is another way of putting the above. It is the government that has attempted, by passing laws, to regulate the amount of power accumulated by the parties.
Two Persistent Themes in the Labor Law (1)		These two persistent themes can be phrased as questions: • How should a union act or relate in regard to the public and in regard to employers?

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
		• What is the proper relationship of a union to individual workers?
Basic Policy of the NLRA (Taft-Hartley) (1)		Consider the declaration of policy which is a preface to the Labor Management Relations Act of 1947 which reads: "Industrial strife which interferes with the normal flow of commerce and with the full production of articles and commodities for commerce, can be avoided or substantially minimized if employer, employees, and labor organizations each recognize under law one another's legitimate rights in their relations with each other, and above all recognize under law that neither party has any right in its relations with any other to engage in acts or practices which jeopardize the public health, safety or interest. "It is the purpose and policy of this Act, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and prescribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce."
Protective and Regulatory Legislation Affecting Collective Bargaining (2)	Discuss and review other references that relate to these laws.	*Protective laws* are those that affect the terms and conditions of work, such as the Occupational Safety and Health Act, and wages, hours, and working conditions, such as the Fair Labors Standards Act. These laws apply to unionized and nonunionized enterprises. *Regulatory legislation*, on the other hand, governs or regulates the collective bargaining process, for example, what the parties can and cannot do, how they must proceed, and how they can seek relief under the terms of the law. The NLRA (Taft-Hartley) is the fundamental law regulating collective bargaining, although the Landrum-Griffin Act (Labor-Management Reporting and Disclosure

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
		Act) can be said to be regulatory as well. (See module, "Are Unions Democratic?: Relations between Unions and Members.") In some cases industries or particular segments of our economy are regulated by special laws applying to those sections, as for example, the railroad industry (the Railway Labor Act of 1926) and the public employment sector (the Taylor Law in New York State).
An Injunction — A "Stepping Stone" To Present Legislation		An injunction is an order from a court (a judge) which requires an individual or a group (either labor or management) to *cease* doing something within a certain period of time because the action is presumed to be injurious to property rights. Persons or groups who violated the injunction can be and have been held to be in contempt of court and liable for punishment of one kind of another, including imprisonment.
Use of the Injunction in Industrial and Labor Relations (3)		For many years, employers were able to obtain court injunctions to prevent all types of union organizational and economic activity such as strikes, picketing, secondary boycotts, and breach of employment called "yellow dog" contracts. The "yellow dog" contract is the infamous arrangement whereby employers made workers pledge, as a condition of obtaining a job, that they would *not* join a union as long as they were employed by that company. If workers joined a union having signed a pledge, they were held to have violated their contract with the company. Workers who signed such a pledge in order to get a job were said to feel like a dog with its tail between its legs — a yellow dog.
Norris-LaGuardia Act of 1932 (3)		This law did not eliminate the use of injunctions, but made them more difficult to obtain. Yellow dog contracts were declared illegal. In addition, this law emphasized that labor had the right to organize for collective bargaining.
Wagner Act of 1935 (3)		As a part of a great amount of experimentation during the Great Depression of the 1930's to curtail unemployment (which was as high as 25 percent) and to speed economic recovery, unions were guaranteed the right of collective bargaining. (See the National Industrial Recovery Act which proved to be unconstitutional, but which established the idea subsequently incorporated in the Wagner Act of 1935.)

CONTENT	INSTRUCTIONAL SUGGESTIONS
The Wagner Act — The Foundation on Which Taft-Hartley Is Built (4)	Invite an industrial relations specialist, a union lawyer, or a public official who deals with labor relations to discuss the fundamental features of the law. (Ref. A; Ref. C)
Major Taft-Hartley Provisions (4)	

BACKGROUND INFORMATION

In summary the Wagner Act:

- Made it possible for a union to gain *recognition* without a strike by obtaining the majority vote in an election supervised by the government
- Required management to bargain collectively with this newly recognized and *certified* union as the legitimate *bargaining unit*.
- Established the National Labor Relations Board as the machinery to determine which union was to represent workers (elections) and to handle complaints

As already indicated, it was decided by Congress in 1935 that the right to organize and to bargain collectively was necessary in our society. To guarantee those rights the Wagner Act prohibited employers from the following *unfair practices:*

- Interfering with, coercing or restraining employees engaged in organizing or bargaining.
- Interfering with the formation or administration of unions.
- Discriminating against employees to try to discourage union activity.
- Discharging or discriminating against employees who have filed charges or testified under the Act.
- Refusing to bargain collectively with the union which is the majority representative of employees.

When this law was passed in 1947, it was seen as a way to maintain a balance between labor and management or, as indicated, to "swing the pendulum" back.

It retained the five provisions cited above which prohibited certain unfair labor practices by employers. In addition, this law prohibited unfair practices by unions including:

- Restraining or coercing employees in the exercise of their rights under the Act

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
		• Restraining or coercing an employer in the selection of his bargaining or grievance representative • Causing or attempting to cause an employer to discriminate against an employee • Refusing to bargain in good faith with am employer whose employees the union represents • Engaging in secondary boycotts, economic pressure or strikes for recognition where another union has been certified • Inducing or encouraging employees to stop work in order to force an employer to assign work to one union instead of another, such as jurisdictional strikes • Charging excessive or discriminatory initiation fees • Causing an employer to pay for services not performed, such as featherbedding. In addition this law mounted an anticommunist campaign by making the services under the law available only to unions who swore out "noncommunist" affiliations. And, particularly important for the construction industry, the Act prohibited the closed shop.
Major Duties of the NLRB (a special enforcement agency) (5)		The main duties of the NLRB are to: • Prosecute violations • Judge whether a violation has occurred and when it has to prescribe remedies
Organization of the NLRB (5)		The Board consists of five members who act essentially as the judicial branch of the agency. A *General Counsel* acts as a prosecutor. He listens to charges that the law has been violated and determines which cases should be prosecuted.

UNIT 4

COLLECTIVE BARGAINING – BASIC CHARACTERISTICS OF THE PROCESS

MODULE 7

Explains the collective bargaining process in the United States and why it is at the core of our approach to industrial and labor relations

OBJECTIVES

At the completion of this module, students will be able to:

1 *Define what is collective bargaining in the U.S.*

2 *Delineate the important principles and characteristics of collective bargaining*

3 *Explain some of the more important terms used in collective bargaining negotiations*

4 *Explain why collective bargaining is supported by law and by public acceptance*

5 *Recount the functions and purposes of the collective bargaining process*

6 *Outline the major steps or decisions in the collective bargaining process*

7 *Explain the function of the strike in collective bargaining negotiations*

8 *Specify the major philosophical and political problems associated with collective bargaining*

REFERENCES

(A) Blake, Robert, Shepard, Herbert, & Morton, Jane. *Managing intergroup conflict in industry.* Houston, Tex. Gulf Publishing Co. 1964.

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CONTENT	INSTRUCTIONAL SUGGESTIONS
Overview of the Collective Bargaining Process (1)	Present the basic points and follow with a discussion of the collective bargaining process. (Ref. B; Ref. E, Chapter I)

BACKGROUND INFORMATION

In its simplest form it is a process of *discussion* and of *negotiation* between an employer and a union, leading to a written contract (collective bargaining agreement) which specifies many of the terms and conditions of employment and how problems will be resolved.

CONTENT

INSTRUCTIONAL SUGGESTIONS

- Collective Bargaining in Legal Terms (1)

- Norris-LaGuardia Act of 1932 (the beginning of a fixed public policy encouraging collective bargaining) (1)

BACKGROUND INFORMATION

It should be emphasized that it is a relationship between two organizations, namely, the employer (or the management of an enterprise) and the union (the representative of the employees).

The best current legal definition of collective bargaining is contained in those sections of the Taft-Hartley Act which spell out the requirements for employers and unions to bargain.

Section 8(d) states:

> "...to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession."

Public policy in the U.S. in this act stated:

> "Whereas under prevailing economic conditions, developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment, wherefore, though he should be free to decline to associate with his fellows, it is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; therefore, the following definition of, and limitations upon, the jurisdiction and authority of the courts of the U.S. are hereby enacted."

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
Important Principles of the Wagner Act of 1935 (the predecessor to the current Labor-Management Relations Act or Taft-Hartley of 1947) (2)	Ask students to compare and contrast collective bargaining in industrial relations with the bargaining they do when they buy a used car. (Ref. E, Chapter I).	Two basic principles were propounded in this law: • Individual employees were permitted to form and maintain labor unions of their own choosing without being subjected to coercion, intimidation, or discrimination by employers • Employers were required to bargain collectively with labor unions designated by their employees on wages, rates of pay, hours of work, and other conditions of employment
Additional Principles of the Taft-Hartley Act of 1947 (2)		Because our legislators felt that there was a certain imbalance tilting toward labor unions, this act established new principles by: • Curtailing and restricting certain activities of unions and of employers • Specifying new obligations for organized labor • Protecting certain rights of individual employees
Characteristics of Collective Bargaining (2)		It should be reemphasized that bargaining is a relationship between two organizations, namely, employers and unions. The focus is on collective as opposed to individual bargaining. Collective bargaining assumes a roughly equal balance of power between the parties. The ultimate power underlying collective bargaining is the right of workers to strike and the right of employers to lock out. The process includes not only negotiations but constant communication and interpretation of the terms and conditions of employment.
Important Terms Used in Collective Bargaining Negotiations • The Agreement or Contract (3)	Write the most important terms on the chalkboard. Distribute to students materials which use these terms, such as union magazines and periodicals and labor	A written agreement or contract is arrived at as the result of negotiation between an employer or a group of employers and a union. This agreement sets the conditions of employment (wages, hours, and fringe benefits) and the procedures to be used in settling disputes that may arise during the term of the contract. Contracts usually run for a definite period (1, 2, or 3 years).

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	agreements. Ask students to find the terms in articles and to discuss their meaning in relation to the context in which they are used. (Ref. D)	
• Arbitration (3)		Arbitration is a method of settling a labor-management dispute by having an impartial third party render a decision which is binding on both the union and the employer.
• Featherbedding (3)		This practice, usually by unions, consists of demanding payment for work not performed, refusing to allow adoption of labor-saving equipment, and creating nonessential jobs.
• Jurisdiction (3)		Jurisdiction is the area of jobs, skills, occupations, and industries within which a union organizes and engages in collective bargaining. National unions often assert exclusive claim to particular areas of employment. In the case of local unions, jurisdiction refers to a region within which the local union exercises authority.
• Management Prerogatives (3)		The rights that management believes are exclusively theirs and hence not subject to collective bargaining. These rights are often expressly reserved to management in the collective bargaining agreement and usually include determining the products to be made, scheduling production, and determining the process of manufacture.
• Business Agent (3)		The business agent is a full-time union officer of a local union who handles grievances, helps enforce agreements, and performs other tasks in the day-to-day operation of a union.
Need for Public and Legal Support of Collective Bargaining	Ask students to cite examples of conflict that they have observed and/or experienced and to state how these conflicts were resolved.	Many feel that, while employers and unions are interdependent, they are, to a large extent, competing for scarce rewards. Employers need and want more income for their owners, while unions want more income for their members. Who gets how much continues to be a problem since there is no "scientific" way of distributing scarce resources.
• Inevitability of disputes and conflicts (4)		

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
• Alternatives to Collective Bargaining (4)	Discuss the consequences of each of the major alternatives to resolving a conflict. (Ref. A)	Dispute and conflict is almost inevitable because the rights, duties, responsibilities, rewards, penalties of employers, managers, workers and their union representatives are subject to differing interpretations, there are differences of perception and of opinion, and there are competitive or other outside pressures on the parties. All of these potential areas of conflict are summarized in the traditional concern of employers to be free to manage their affairs freely and productively and the somewhat contrary concern for union autonomy, security, and freedom. The alternatives to collective bargaining include the following: • Allowing employers to exercise power unilaterally, that is, ceding to them the authority and the power to decide what, when, how, where, and to what degree • Overt fighting or war, that is, contests of strength where one of the parties wins and the other party loses (and where over a period of time, as in wars between nations, the winners and losers change from time to time) • Allowing unions to exercise unilateral power to decide things • Referring the dispute to a third party or parties (arbitration) • Deciding the question or dispute by the toss of a coin or some similar recourse.
Major Functions and Purposes of Collective Bargaining (5)	Discuss the major functions and purposes of collective bargaining. (Ref. C, Chapter 11) Invite company and/or union officials who have actually engaged in negotiations to give first-hand accounts of the collective bargaining process.	Collective bargaining is: • A process for settling disputes and advancing organizational interests • An arrangement for equalizing relative power of contestants • A dynamic and continuous relationship between labor and management • A continuing legal relationship • A problem solving process • A poker game

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
A Theory of Collective Bargaining (5)		Professors R. Walton and R. McKersie theorize that there are the following four types or phrases of bargaining: • Distributive bargaining, or haggling about how to split up the pie • Integrative bargaining, or solving problems in a cooperative manner to the benefit of all • Attitude formation, or the formation or restructuring of views • Intraorganizational bargaining, or the maneuvering to achieve a consensus within labor and employer organizations
Major Steps in the Collective Bargaining Process • Parties Involved (6)	Discuss with the students the following: • How contents are actually negotiated • What goes into an agreement • How an agreement is ratified	The bargaining unit refers to the employer (or employers or a part of one employing establishment) and employee groups who are covered by a collective bargaining contract. Determination of a bargaining unit is the responsibility of the National Labor Relations Board which conducts elections, after which the Board decides what constitutes an appropriate unit. Collective bargaining occurs in a great variety of situations such as between one employer and one local union or, at the other extreme, between many employers and a national union.
• Negotiating the Contract (6)		Following the definition of a bargaining unit by some public agency (State or Federal), the two parties present demands and counter-demands to one another in an attempt to settle upon a written agreement or contract.
• The End Product, a Collective Bargaining Agreement or Contract (6)		The process of negotiating, that is, haggling, discussing, demanding, threatening, arguing, eventually leads to an agreement or bargain which is a written document specifying wages, terms and conditions of employment, and whatever else the parties have agreed on across the bargaining table.
Function of Strikes and Lockouts • Definition (7)		A strike is a cessation of work and used as a form of economic pressure by employees (unions) to persuade (force) employers to accept their terms. A lockout is the closing down of an enterprise as a form of economic

CONTENT

- Legal Status of Strikes and Lockouts (7)
- Necessity of Strikes (7)
- Problems Caused by Strikes (7)

INSTRUCTIONAL SUGGESTIONS

BACKGROUND INFORMATION

pressure used by employers to persuade (force) employees (unions) to accept their terms.

Strikes and lockouts, the ultimate economic weapons at the disposal of labor and management, are sanctioned by law, but there are specific restrictions and conditions specified by the National Labor Relations Act as to what can and cannot be done.

To answer the question, one must think about alternative ways to settle disagreements between labor and management. If a union demands a 10 percent wage increase and if the employer says he will not pay it, what is to be done? As previously suggested, it is possible to give the ultimate decision to a third party or to settle it by a toss of the coin. But since these are not usually acceptable to both parties, the strike is seen as a way to put real pressure on the parties (to punish) and thus to force a settlement. Fortunately, in most cases the mere threat of a strike is enough to persuade the parties to settle their disagreements.

Parties who should have the right to strike and under what conditions are problems of conflict of values. Factory workers have the right to strike while many public employees, such as policemen and teachers, do not.

When strikes occur, they may cause the following:

- Disruption of the economy
- Suffering and inconvenience for the innocent public
- Workers to lose income (which the newspapers never tire of pointing out cannot easily be made up)
- Work stoppages that are not in the interests of members but for other reasons
- Violence and hatred
- Workers to obtain equity and social justice
- Positive effects (they clear the air)
- Government intervention which can lead to loss of freedom

CONTECONTENT	INSTRUCTIONAL SUGGESTIONS
Philosophical and Political Problems	
• Freedom vs. Control in Collective Bargaining (8)	
• Other Problems and Paradoxes (8)	Ask students to compare U.S. collective bargaining techniques with approaches used in other countries. Also, compare approaches used now and those taken at other points in our history.

BACKGROUND INFORMATION

Where does collective bargaining end and government control begin? Or put another way, how much freedom should be allowed in collective bargaining?

The answer is not easy because in the U.S., while we seek to promote free collective bargaining practice, we also seek to provide full employment and to control inflation. These are competing goals which some persons argue cannot be achieved simultaneously.

Many of the different problems which face all of us in society are highlighted in collective bargaining. Consider the following:

- Rights of individuals to decide versus the right of a majority in a union to decide
- Rights of minorities versus majorities
- Union democracy versus the need for unions to be strong in their bargaining
- Consumer protection
- Government regulation versus responsible action by the parties
- Costs of conflict

UNIT 4

NEGOTIATING LABOR-MANAGEMENT AGREEMENTS

Gives the sequence of events whereby representatives of management and unions eventually reach agreement and sign a collective bargaining contract

OBJECTIVES

At the completion of this module students will be able to:

1 *Specify what is a collective bargaining agreement or labor contract*

2 *Suggest the criteria or standards for a "good" collective bargaining agreement*

3 *Describe the major steps and sequence of events in negotiations*

4 *Explain the conventional and newer strategies used during negotiations*

5 *Differentiate between competitive and cooperative negotiation issues*

6 *Classify the major clauses or contents of a collective bargaining agreement (labor contract)*

7 *Explain how labor law controls the negotiation process*

8 *Assess collective bargaining relationships and the negotiations between labor and management in terms of acceptable criteria or standards*

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CONTENT	INSTRUCTIONAL SUGGESTIONS
The Collective Bargaining Agreement — A Written Statement (1)	Organize a project to determine who bargains with whom in the local area in order to compare and contrast them.

BACKGROUND INFORMATION

Labor contracts or collective bargaining agreements are signed written statements that indicate what the employer(s) and the union(s) have agreed to during the life or the term of the agreement. It constitutes a guide and the basic legislation that will govern the parties as to how, when, where, and under what conditions work will be performed.

CONTENT	INSTRUCTIONAL SUGGESTIONS
Length or Terms (1)	
Number of Agreements in the U.S. (1)	
Standards or Conditions of a Collective Bargaining Agreement (2)	Ask apprentices who are involved in a union-management program what additional standards they could propose which would protect their interests. (Ref. B, Chapter 4)
Major Steps in Negotiation (3)	Show a film or films to assist in dramatizing the negotiation process. The films listed below may be rented from the Audio-Visual Center, NYSSILR Cornell University, Ithaca, N.Y. 14850. "Beginning a Conflict" "The Collective Bargaining Process "Countdown to a Contract" "The Crisis Bridged" "The Deadline Crisis"

BACKGROUND INFORMATION

Most contracts are signed for 1-year terms, but many are for 2-, 3-year, or even longer periods of time.

It is not worth memorizing, but it is useful to point out that there are about 140,000 collective bargaining agreements in existence in the U.S. These agreements represent a wide array of bargaining situations, from a single local or an independent union and one employer to industry wide and national agreements involving multi-employers and numbers of unions.

The standards should:

- Provide for union security
- Give management reasonable latitude and discretion in hiring and using employees
- Give management reasonable freedom to make changes in technology, methods, tools and equipment, while protecting employees from the harsh or unfair consequences of such changes
- Not condone waste and misuse of human or other resources
- Specify which workers will be released, when, and how in the event that a reduction in force is necessary
- Provide for specific procedures for interpreting the agreement and for resolving differences of opinion

With over 100,000 agreements being negotiated every year to two, it is obvious that there are many variations on the following summary.

Step 1 — Preparations

Both the union and the management are likely to spend considerable time assembling information and developing its strategy for negotiations. The union will solicit members through union meetings use of special committees, perhaps even formal surveys to determine what is on the members' minds and to frame from their comments a series of demands that will be presented to the management during the forthcoming negotiations. Management prepares in a somewhat similar fashion. Foremen and others are interviewed, past grievances are analyzed, and the entire labor-management

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	"The Follow-through" "Hard Bargaining" "The Settlement" "Stalemate and Call for Mediation" "You Are There at the Bargaining Table"	relationship is reviewed. Both sides accumulate whatever background data they feel they will require to make their case or to rebut the other side's case. As an important part of these preparations both sides select their bargaining representatives, usually several on each side, who are familiar with the subjects to be discussed and debated. Each side selects a chief negotiator or spokesman who is the designated leader during the discussions, deliberations, and maneuvers at the bargaining table. *Step 2 — Discussions at the Bargaining Table* Actual negotiations open with what has become almost a standard ritual. The management representative may open with a short speech about the collective bargaining relationship of the past and of the need for both sides to appreciate each other's problems. This completed, the union spokesman customarily and emphatically presents a long and usually quite impossible list of demands. Following the union presentation, there is usually a discussion of the ground rules for the negotiations, that is, frequency of meetings, and what records will be kept. At this first meeting, or usually a week or so later, management submits its list of demands which are as exaggerated as the union's. Each side has very carefully given itself a lot of room for future maneuvering. *Step 3 — More Discussion and Exploration* Both sides now explore and discuss each other's proposals, recognizing, if they are good bargainers, that they must understand and accommodate to one another. Thus, the management tries to make concessions in such a way that the union can take credit for them, but they cannot give in too easily. During this phase of the negotiations, both sides explore the types of combinations of proposals and concessions that might constitute a reasonable total package.

CONTENT

INSTRUCTIONAL SUGGESTIONS

Negotiation Strategies — Why Parties Bluff and Counterbluff (4)

The Strike Threat During Negotiations (4)

The Bargaining Zone — the Limits Beyond Which the Parties Will Not Go (4)

BACKGROUND INFORMATION

Step 4 — Reaching an Agreement

Ultimately an agreement is reached, with or without the necessity of using the ultimate economic weapon — the strike. The general agreement is then translated into specific contract language that is to be incorporated into a new written agreement.

Step 5 — Ratification

After a tentative agreement has been reached at the bargaining table, both sides go back to their respective constituencies to obtain their approval of the terms. The union side usually conducts an election while the management side obtains the approval of top management and/or board members.

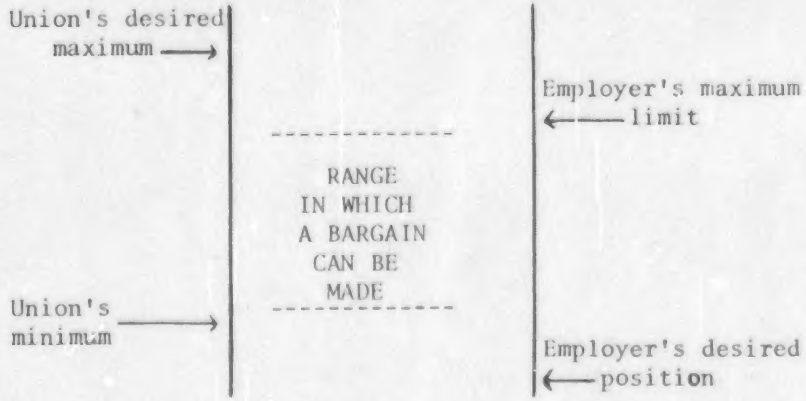
Step 6

The contract is in effect for a stated period of time.

Bargaining-negotiations is like horse trading or buying a used car, among other things. In such trading, bluffing is accepted as a standard procedure used by both parties to gain a little more for their side. Bluffing is used, therefore, as a method to gain advantage. Bluffing is also used as a way to signal or communicate to the other party.

Since most ongoing contracts contain a specific time at which they expire, the strike is used as a threat to force concessions and agreement. Since the parties really do not want to strike, they try to find some middle ground for a solution.

Each side seeks to obtain its maximum demand but is also prepared, as a rational trader, to accept its minimum if forced to. For example, on the issue of union security, a union might try to obtain a maximum of a union shop and dues checkoff, but be willing, if forced, to accept a union shop with a way for individuals not to have to join a union. Similarly on union security, an employer might list his maximum demand as no union security whatsoever, but be willing to accept compulsory union membership after 90 days.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
		
Take It or Leave It Bargaining (4)		This strategy, called Boulwarism after the former official of General Electric, attempted to change the usual approach to negotiations. The management made its "final offer" at the beginning of negotiations. In effect, the company said that since it had carefully determined what it *could* and *would* be able to offer, there was no room or necessity for any horsetrading. Whether the approach is successful and whether other companies could or should adopt it continues to be hotly debated.
Continuous Bargaining (4)		Rather than bargaining only close to the time when an agreement is to expire, continuous bargaining refers to negotiations that continue throughout the life of the agreement. The idea is that there are many issues which cannot wait to be resolved and that continuous bargaining might forestall dangerous situations and problems.
Competitive Negotiation Issues (5)	Ask students to consider the following bargaining issues and indicate whether each one is considered a competitive or cooperative issue.	These issues are win-lose propositions which involve a fixed amount of something, such as, money, time, and authority.
Cooperative Negotiation Issues (5)	• Across the board wage increase	These are issues which, when decided, result in both parties gaining something or where neither party loses or when the parties share a consumer problem and the solution benefits both.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	• Allocation of overtime • Training for promotion • Time off for personal reasons • Vacation schedules • Increased pension plan contributions • Layoff procedure Discuss the differences of opinions that were expressed.	
Major Categories of Clauses (6)		Major categories of clauses include: *Union Security* — description of the bargaining unit, duration of the agreement and the forms of union recognition (union shop, maintenance of membership, hiring through the union) *Wages-Hours-Working Conditions* — one of the key areas in that it covers wage increases and adjustments *Individual Security* — Protection against arbitrary acts, and in industrial situations, the rules and regulations on seniority *Administration* — procedures for handling grievances and changes during the life of the agreement *Management Rights* — statements of defining the rights or prerogatives of management or enumerating what is exclusively within management's jurisdiction
Labor Law Controls — Provision for Mediation (7)		The Federal Mediation and Conciliation Service has the legal responsibility to assist unions and managements avoid work stoppages and to reach settlements. The Service is automatically notified of potential problems since the Taft-Hartley Act requires that

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
		either party wishing to terminate or modify an existing contract must notify the Service at least 30 days before the expiration of the agreement. But the Service *does not* have the legal right to impose any solution upon the parties.
Necessity to Bargain "In Good Faith" (7)		According to Taft-Hartley, this means that the parties must meet at reasonable times and confer in good faith and to obtain a written agreement. Just exactly what "good faith" is or is not has been debated ever since 1947 when the law was passed.
Restrictions on Certain Strikes and Picketing Actions (7)		There are various kinds of restrictions including secondary boycotts, jurisdictional strikes, national emergency strikes, and on certain kinds of picketing.
Criteria Used by the General Public and by the Parties to Assess Collective Bargaining Agreements (8)	Ask students to comment on the following questions. Has the law helped or hindered free collective bargaining? Are good alternative methods for settling wages and working conditions being overlooked?	Some criteria used by the general public and parties involved to assess the collective bargaining relationships between labor and management include: • Have unnecessary strikes occurred? • Did the government have to step in to solve the dispute? • Are settlements in line with what is happening in other industries? • Are jobs secure? • Is the organization solvent? • Are the parties fighting with one another, in collusion with one another, or sincerely trying to solve their problems.

UNIT 4

MODULE 9

SETTLING INDUSTRIAL AND LABOR RELATIONS PROBLEMS BY ARBITRATION

Explains why arbitration is used in labor-management relations, how the process works, and what types of issues are considered by arbitration

OBJECTIVES

At the completion of this module students will be able to:

1 *Define the meaning of arbitration*

2 *Describe the major purposes of arbitration*

3 *Locate sources of arbitrators and describe their qualifications*

4 *List types of labor-management issues that go to arbitration or are excluded*

5 *Describe and explain the mechanics of grievance arbitration*

6 *Cite and explain the standards and criteria used by arbitrators in making decisions*

REFERENCES

(A) Stessin, Lawrence. *The practice of personnel and industrial relations, a casebook.* New York, N.Y. Pitman Publishing Corp. 1964.

(B) U.S. Department of Labor. *Arbitration procedures.* Washington, D.C. U.S. Government Printing Office. 1966. (Bulletin 1425-6)

(C) Wortman, Max, & Randle, C. W. *Collective bargaining, principles and practices.* New York, N.Y. Houghton-, Mifflin. 1966. (Publication out of print, may be available through local library.)

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CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
Definition of Arbitration • A Third Party (1)	Show a film such as, "Arbitration in Action," or use a recording such as, "Go To Arbitration," to help illustrate and clarify the arbitration process. These instructional aids may be obtained from the Audio-Visual Center, NYSSILR, Cornell University, Ithaca, N.Y. 14850.	In industrial and labor relations and, in fact, in disputes between individuals or groups outside a court of law, arbitration refers to an outside or *third party* who has been authorized to make a decision about the dispute between the parties. The decision of the third party outsider is final and binding on the parties involved.

CONTENT	INSTRUCTIONAL SUGGESTIONS
• Extension of the Collective Bargaining Process (1)	Discuss with the students the basic terms and concepts of arbitration. (Ref. C, Chapter II)
• Voluntary (1)	
• Compulsory (1)	
• Distinction Between Mediation and Fact Finding (1)	
• Part of Grievance Procedure (1)	

BACKGROUND INFORMATION

Arbitration is an extension of collective bargaining in that it interprets the agreement. Instead of relying on strikes or other forms of economic power, the parties voluntarily surrender some of their power to a third party.

The term voluntary is frequently used in describing arbitration because the two disputing parties have agreed mutually and voluntarily to permit an outsider to decide how their disagreement should be resolved. Both parties submit their problem to an outsider because they have been unable to pressure one another into a settlement, or persuade one another concerning the dispute. Instead, an objective professional outsider, called an arbitrator, is selected by the two contending parties.

In the U.S., we have avoided the use of compulsory arbitration in all but a very few cases. Very infrequently, however, it has been used, as for example in national disputes in the rail transportation industry and in public employment. The element of compulsion distinguishes it from voluntary in that the two disputing parties are forced to go to a third party for a solution to a problem. The force is supplied by the passage of a law which then requires and authorizes arbitration in certain specified situations.

Arbitration means that a third party (an arbitrator) has the power to *decide* the issue. Further, the parties agree in advance to accept this decision. The major distinction between arbitration and mediation or fact finding is that these outsiders (third parties) in mediation do not have the power to decide or settle the issue. All they can do is recommend, cajole, educate, or influence by the publication of reports about the dispute.

Arbitration is the last step in many collectively bargained grievance procedures which authorize a third party arbitrator to settle grievances which were not resolved during the first two or three steps of the grievance machinery.

CONTENT

- Judicial Arbitration (1)

General Purposes of Arbitration (2)

Sources of Arbitrators

- American Arbitration Association and the Federal Mediation and Conciliation Service (3)

Basis for Arbitrator's Decisions (3)

Arbitrator Ethics and Views of Their Job (3)

INSTRUCTIONAL SUGGESTIONS

BACKGROUND INFORMATION

The arbitration which is installed as the last step of a grievance procedure is usually referred to as judicial arbitration. Judicial arbitration also refers to the fact that arbitrators are used to interpret and define the terms and language of a collective agreement.

Arbitration is used as:

- A device for settling grievance disputes
- An escape hatch or safety valve for the disputing parties
- A face saving device

The American Arbitration Association is an impartial nonprofit organization which maintains a list of qualified individuals who can act as arbitrators. In addition, the Association acts as a professional association concerned with the ethics and rules governing the use of arbitrators.

The Federal Mediation and Conciliation Service is a government agency which maintains a list of hundreds of qualified arbitrators.

What the arbitrator may or may not decide is usually spelled out for him in the collective agreement. In general, he is supposed to decide on the basis of what he thinks the contract means in a given situation, not on the basis of moral principles.

Not all arbitrators are alike. While all arbitrators are presumed to be honest and observe acceptable ethical behavior such as fairness and impartiality, they differ markedly on how arbitration should be conducted. Some are "narrow constructionalists or constitutionalists" in that they view their authority in limited terms confined to the language and interpretation of an agreement. Others take a broad view, going beyond strict interpretation of the agreement. Some attempt to mediate, that is, to get the parties to settle their dispute rather than deciding for them. Some use formal procedures; others prefer informality. Some write long explanations of their decisions; others simply publish the essence of their decision. In other words, arbitrators come in many sizes, shapes,

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
		and orientations, because the arbitration process is something that two disputing parties decide they need. When we consider that there are hundreds of thousands of labor agreements, we can see how the process can have a variety of forms.
Issues Most Frequently Decided by Arbitration (4)	Discuss specific examples of clauses from collective bargaining agreements which illustrate issues frequently decided by the arbitration process. (Ref. B, pp. 8-10) During the discussion, be sure the following questions are answered: • What is to be arbitrated? • What is to be included and excluded? • How is the arbitrator appointed: • How is his authority defined? • Where will the arbitration occur? • When will the arbitration begin? • When will the award be made? • Who administers the arbitration? • Who pays for the service?	According to a study conducted by the Federal Mediation and Conciliation Service in 1962, the following are the issues most frequently decided by arbitrators, in rank order from most to least frequently: • Discipline and disciplinary action • Job classification and work assignment • Overtime and hours of work • Management rights • Seniority in demotion • Seniority in promotion • Vacations and holidays • Pay for time not worked • Arbitration, jurisdiction, and grievance • Incentive rates and standards • Union security • Auxiliary pay • Job evaluation and work loads • Working conditions • Health and welfare • Guaranteed employment

CONTENT	INSTRUCTIONAL SUGGESTIONS
Issues Frequently Excluded from Arbitration (4)	Discuss specific examples of issues which are frequently excluded from arbitration. (Ref. B, pp. 10-23)
Mechanics of Grievance Arbitration	
• Necessary Conditions (5)	
• Selection of an Arbitrator (5)	
• The Stipulation, a Written Statement to the Arbitrator (5)	
• The Hearing (5)	

BACKGROUND INFORMATION

Issues frequently excluded from arbitration include:

- Wage adjustments such as individual wage rate inequities
- Job security
- Administration of supplementary benefits
- Plant administration
- Administration of union security provisions

First, the parties should seek to obtain a satisfactory resolution of their problems through the use of all the steps of the grievance procedure.

Second, the union or the employer must take steps to appeal the grievance or dispute to arbitration. In most cases, it is the union who appeals the problem to arbitration.

Third, the appeal should be made within some definite time limit.

Arbitrators are selected on an ad hoc basis to decide on a specific grievance or in some industries and in some large companies, such as U.S. Steel Co., a permanent arbitrator (umpire) is named.

When an ad hoc arbitrator is to be selected, the labor-management parties agree on a person who is presumed to be qualified by virtue of being on a list approved by the Federal Mediation Service or American Arbitration Association.

The stipulation defines the issue or the issues to be decided by the arbitrator. It usually includes, in addition, a statement of the facts that are agreed to, and the pertinent collective contract clauses.

Sometimes the parties present formal legal like "briefs" which are, in effect, the arguments or the case to be made by either the grievant (complainer) or the other side.

At other times and in more informal procedures, the arbitrator requests each of the parties to present its case, its evidence, and its witnesses, followed by the other side, then cross-examination by both parties.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
		In formal or even in more informal procedures an arbitration hearing is something like a court case and the arbitrator like a judge and each side is given the opportunity to present its case and to rebut points made by the other party. In all cases, it is the arbitrator who decides exactly how he will conduct the hearing, that is, either formally or informally.
• Post-hearing Briefs (5)		One side or the other may request permission to file post-hearing statements or briefs. These usually sum up their position or introduce new evidence, if agreed to by both parties.
• The Arbitration Award (5)		The arbitration award is a written statement prepared by the arbitrator of his decision on each point at issue, that is, a statement of who won. Most arbitrators also add their opinion in which they state the underlying reasons for their decision. The opinion is very important for both parties because they are told why a certain decision was made. They can use the information to help them to decide how to behave in the future.
Standards and Criteria Used To Reach a Decision	Discuss illustrations and examples of language interpretation. Consider such statements as:	The contract language should be clear and unambiguous. It may be and the parties still argue about interpretation. Specific language is preferred over general terms. Also, saying one thing may exclude another. Thus, words and their context have to be carefully selected.
• Contract Language (6)	• The company shall make reasonable provisions for the safety and health of employees or • Wearing apparel to protect employees shall be provided by the company in keeping with prevailing practice.	

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	Discuss if day workers would be entitled to the same privilege in the following statement. "Nightshift workers will be given 20 minutes from their regular shift for eating lunch, at the convenience of the Company."	
• Intent of the Parties (6)		Arbitrators sometimes try to determine intent.
• Custom and Past Practice (6)		This standard is important, particularly if both parties have accepted some practice in the past.
• Equity and Fairness (6)		Where the language is ambiguous, arbitrators may sometimes try to find an answer that is "reasonable and fair," which is difficult to accomplish.
• Actual Cases (6) (6)	Duplicate and distribute to class members a number of actual cases that went to arbitration. Have students practice the analytical skills required of an arbitrator by arriving at their own decision. Compare student's decision with that of the arbitrator in each case.((Ref. A)	Consider the following cases as examples: • Can an employee be fired for violating a policy which has not been enforced for 20 years? An employee was caught writing numbers on a wall in the company locker room. When questioned, he freely admitted that he was a bookie. He was fired and thought the company's action very unfair. He immediately filed a grievance. When the company refused to reverse the supervisor's action, the case went to arbitration. (Ref. A, pp. 11-12, Case #2) • Is a three-day suspension too severe for an employee who regularly leaves his job 5 minutes before the lunch period? The company assigned a specific lunch period to each employee but the workers tended to leave for the rest rooms 5 to 10 minutes before their assigned time. The company decided to

enforce this rule but first had the supervisors talk to the employees and violators were given warning notices. Later an employee, who had been reprimanded, was caught violating the rule again was given a 3-day layoff. He thought the penalty too severe and appealed the decision. (Ref. A, pp. 30, Case #25)

- Has management the right to "get tough" and fire a worker after having followed a policy of leniency?

  For years the company put up with an employee who talked back to his supervisor and used abusive language to other employees. His supervisor discussed his actions on several occasions and when the action continued, he was given a warning notice. The behavior persisted and the employee was fired. The case finally went to arbitration. (Ref. A, pp. 52-53, Case #45)

- Can an employee be fired for going into debt?

  An employee borrowed $500 and had paid back all but $43. His wages were garnished and the debt paid. A year later this same employee had his wages garnished again and this time the company fired him. The employee appealed the decision and the case went to arbitration. (Ref. A, p. 104, Case #99)

- Can an employee be required to work overtime?

  The foreman announced he would need 20 men to work the following Sunday. Of the men assigned to the overtime job, 14 said they would not be available. The 14 men did not show up and were given a 5-day layoff. The men appealed the decision and the case went to arbitration.

UNIT 4

GRIEVANCES AND DISCIPLINE — ORGANIZATIONAL JUSTICE

Explains how controversies arising out of the interpretation or application of the collective agreement or disagreements about employer disciplinary procedures are handled by a grievance procedure

OBJECTIVES

At the completion of this module students will be able to:

1 *List the major reasons why employers must have the right to discipline employees and why collective agreements provide for a formal grievance procedure*

2 *Enumerate and explain the principles underlying modern disciplinary procedure*

3 *Enumerate and explain the principles underlying modern grievance procedure*

4 *Describe what are considered to be proper grounds for corrective discipline (types of employee shortcomings)*

5 *Distinguish between grievances and complaints*

6 *Delineate common causes of grievances and illustrate with typical examples*

7 *Describe the grievance procedure*

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CONTENT	INSTRUCTIONAL SUGGESTIONS
Reasons Employers Have Right To Discipline Employees	
• Employer's Right To Expect Certain Behavior	

BACKGROUND INFORMATION

It is generally agreed that management should have the initiative to make decisions about how, when, and where work will be performed.

Common practice also suggests that employers can expect to be obeyed in all normal circumstances. To run the organization efficiently, management must have the right to correct those who violate the rules. And since it is inevitable that some persons will break the rules, management must be able to correct such wrongdoing.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
from Employees and To Use Disciplinary Procedures when Necessary (1)		
• Union's Right To Challenge an Appeal (1)		Unions generally agree that employers should have the right to discipline, providing it is for a "just cause." To insure that management does not act unfairly or without a just cause, the union demands a system of appeal or due process to determine whether the disciplinary action was correct, appropriate to the circumstances, and corrective in nature. To the union, the grievance procedure is the key to an amicable and mature labor-management relationship throughout the life of the collective agreement.
• The Inevitability of Wrongdoing, Differences of Opinion, and Disputes at the Work Place (1)		No collective agreement has ever been written which could not be interpreted in various ways. Furthermore, an agreement can be and is violated by either one of the parties. Human beings are not perfect, either at home or at work. Almost inevitably no matter what decision is made, there can be and are differing views of the correctness or applicability of the decision.
• Corrective Justive (1)		Corrective justice refers to the need to correct or remedy a mistake, transgression, or violation after it has occurred. Since there will be differences and errors, as described above, there is always a need for correction. The point to emphasize here is that corrective justice (or discipline) must meet publicly accepted standards of due process including orderly procedure and review.
• Distributive Justice (1)	Discuss with students the distributive justice equation and use it to show how complicated distributive justice questions are and how employees view things differently than others. (Ref. A, Chapter 8)	From the writings of Aristotle and modern social scientists, we learn that there have been disputes or differences of opinion about who gets how much reward or penalty. In other words, there are many situations where there are too few rewards (wages, promotions, time off or whatever) to be allocated among several people. Rewards should be distributed to those who merit them. But what is fair and who has merit are not easy to decide. Questions of distribution are, therefore, another underlying reason supporting the existence of a grievance procedure.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	Have students consider the following items about a job from a worker's viewpoint: • Rewards related to a job (wages, satisfaction, advancement) • Costs or negative aspects of a job (danger, hard labor, boredom, discomfort) • Investments in a job (time, training) Have students also consider the above items from the viewpoint of the employer and then from the viewpoint of society in general.	An equation illustrating distributive justice may be expressed as follows: $A \frac{\text{Rewards - Costs}}{\text{Investments}} : B \frac{\text{Rewards - Costs}}{\text{Investments}}$
Principles of Modern Disciplinary Procedure • Publish and Distribute Rules and Regulations (2)	Have students bring in the work rules and regulations for their particular jobs. Discuss which rules are broken or not honored and why. Have students suggest other rules that should be used.	Before any disciplinary action is taken, it is only right and proper that punishable offenses and potential penalties for misbehavior be stated in writing. See description of the wide variety of actions that are or are not condoned given on page 72.
• Provide Similar Standards and Equal and Consistent Treatment for All (2)		If some persons are punished and others are not for similar offenses, all persons will lose respect for the usefulness of the rule or of the law.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
• The Punishment, or Correction, Should Fit the Crime. (2)		Standard operating procedure in American industry is to use a sliding or graduated scale of penalties, ranging from an oral warning, a written warning, fines, and layoffs to the ultimate penalty of discharge.
• "Hot Stove" principle (2)		The concept is that discipline should follow the act the way consequences follow when a person touches a hot stove. When you touch a hot stove the burn and the pain are immediate. Unless you are a child under 1-year old, you know in advance what will happen when you touch the hot stove; the burn and the pain always occur and everyone gets the same result. The burn is impersonal and it does not matter whether you are friendly or unfriendly.
• Fact Finding Prior to Disciplinary Action (2)		The particular facts and extenuating circumstances must be assessed before disciplinary action is taken. The individual offender and his or her record must be taken into account as well as everything else surrounding the violation.
• Corrective Action (punishment used as a last resort) (2)		If by counseling or education, an individual offender changes his behavior there would seem to be relatively little need to meet out punishment. The important question is, what will a given disciplinary action mean in regard to future behavior?
• Written Records Required (2)		At all points in the procedure, it is essential that written records are maintained. This is particularly important in applying a graduated series of penalties. If a person is warned of an infraction a record is necessary, particularly if there is a next time.
• Discipline Should Emphasize the Positive (2)		Rather than seeking to penalize offenders, management is well advised to analyze the causes of undesirable conduct and to emphasize positive incentives which might persuade employees to conform to established rules and regulations.

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
Principles of Modern Grievance Procedure		In the U.S. Bill of Rights, citizens are protected against the arbitrary exercise of power by specific procedures and safeguards. The concept of due process usually includes the right of all parties to be heard, the right to confront accusers, the right to be represented by counsel, the right to remain silent, the right to have a record of proceedings, and the right of appeal.
• Application of "Due Process." (3)		
• "Just Cause" for Imposing Discipline (3)		The principle of "just cause" can be said to be an application of the basic principles listed above. Management has "just cause" for disciplining employees if and when the employees have been warned of the consequences of breaking rules, which are really required for efficiency or safety reasons, and management investigated the incident and found reasonable proof of violation, such violations have not been condoned in the past, and the penalty was reasonably related to the seriousness of the offense and the employee's total record.
• Suspension Pending Investigation (for serious offenses) (3)		Where immediate action is required, the usual principle is to suspend the employee until after an investigation has been conducted with the understanding that he will be compensated and restored to regular status if found not guilty, for example, appearing at work seemingly intoxicated.
• Settle Grievances Promptly (3)		Most agreements specify both the procedure and time limits for processing grievances through each step of the process.
• Careful Investigation (3)		Getting the facts is an obvious requirement to any disciplinary action. What actually happened, why did it happen, what were the extenuating circumstances, who were the witnesses and what did they say, how serious was the offense, was it a repeat offense, and what was the motive should all be considered by management before any action is taken.
Proper Grounds for Corrective Discipline		Primary categories of employee shortcomings include the:
		• Failure to perform up to prescribed standards - incompetence and negligence

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
	• An employee suggests that he lost a promotion to a less qualified person. • An employee is discharged for negligence. • An employee argues that his pay is $24 less for this period than it should be. (Ref. B, Chapter 23; Ref. C, Chapter X)	Some typical examples of grievances include: • Wages - pay is less than others doing similar work • Management - supervisor is playing favorites • Seniority - company records on my seniority are wrong • Safety - working conditions are unsafe
The Grievance Procedure • Step I	Use a film such as "The Grievance" or "A Grievance Hearing" to show how the grievance procedure operates. Both films may be rented from the Audio-Visual Center, NYSSILR, Cornell U., Ithaca, N.Y. 14850.	The union steward and aggrieved employee, or the employee alone, present the grievance to the first level supervisor of the unit in which the employee works. If no satisfactory solution is reached after investigation by the supervisor, the grievance goes to the next step.
• Step II		The union business agent, steward, or chairman of the grievance committee presents the case to a higher than supervisor level of management. If settlement is not reached, the grievance goes to the next step.
• Step III		Representatives of the union meet with top management, and if settlement is not reached, the grievance goes to the last step.
• Step IV		The grievance then goes to arbitration, where a third party (arbitrator) has been given the authority by both labor and management to decide what should be done about the grievance.
• The Procedure Summarized.		Good grievance procedure protects the rights and interests of all parties. Good procedure includes: • Careful investigation of the facts • Allowing for representation if the employee desires • Informing and working with the union • Presentation to arbitration • No stalling or long delay

CONTENT	INSTRUCTIONAL SUGGESTIONS	BACKGROUND INFORMATION
• Primary Categories of Employee Shortcomings (4)		• Violation of published rules - personal misconduct • Violation of the collective bargaining agreement
• Common Law on Proper Employee Behavior (4)	Discuss with the students different types of work rules they have encountered in their work stiuation. Have them indicate which rules they consider appropriate and those that were inappropriate and why.	There is no one master list of rules and regulations for all employment situations. In general, however, most employers and most labor contracts will not tolerate the following: • Insubordination • Fighting • Gambling • Tardiness • Sabotage • Absenteeism • Stealing • Negligence • Dishonesty • Drinking on the job
A Grievance		According to the late Professor Slichter of Harvard, "the essence of a grievance is a charge that the union-management contract has been violated." These are usually charges brought by am employee or a union against an employer, but sometimes they are brought by employers against employees and/or the union.
A Complaint		Anything that an employer has done or fails to do or anything that an employee does not like about the employer may be the basis of a complaint, but if there is no formal written charge, it is not a grievance.
Common Causes of Grievances	Discuss with students the following situations and have them determine the ones that constitute a formal grievance and under what circumstances: • An employee gripes that his supervisor always gives him the dirty jobs.	According to Slichter, Healy, and Livernash the following are common causes of grievances: • Violation of the agreement by the employer • Disagreement over the facts • Interpretation of the agreement • Method of applying the agreement • Difference of opinion over the trainee or reasonableness of various actions